

**BEFORE THE
PHYSICIAN ASSISTANT BOARD
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Statement of)
Issues Against:)**

ANTHONY MARCUS CRAMER)

Case No. 950-2014-000436

Respondent)
_____)

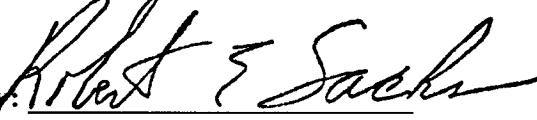
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Physician Assistant Board, Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 6, 2016.

IT IS SO ORDERED March 7, 2016.

PHYSICIAN ASSISTANT BOARD

By: 
Robert E. Sachs, P.A., Chair

1 KAMALA D. HARRIS
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
Deputy Attorney General
4 State Bar No. 231195
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2997
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

10 **BEFORE THE**
11 **PHYSICIAN ASSISTANT BOARD**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Statement of Issues
14 Against:

15 **ANTHONY MARCUS CRAMER**
16 **4880 Roundup Road**
Norco, CA 92860

17 Respondent.

Case No. 950-2014-000436
OAH No. 2015080709

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Glenn L. Mitchell, Jr., (Complainant) is the Executive Officer of the Physician
23 Assistant Board. He brought this action solely in his official capacity and is represented in this
24 matter by Kamala D. Harris, Attorney General of the State of California, and by Joseph F.
25 McKenna III, Deputy Attorney General.

26 2. Anthony Marcus Cramer (respondent), is represented in this proceeding by Scott J.
27 Harris, Esq., whose address is 8383 Wilshire Boulevard, Suite 830, Beverly Hills, California,
28 90211.

3. On or about August 29, 2014, the Physician Assistant Board (Board) received an application for a physician assistant license from respondent.

4. On or about November 19, 2014, the Board denied respondent's application. On or about December 1, 2014, the Board received a letter from respondent requesting a hearing pursuant to the denial of his application.

JURISDICTION

5. On July 28, 2015, complainant Glenn L. Mitchell, Jr., in his official capacity as the Executive Officer of the Board, filed Statement of Issues No. 950-2014-000436 against respondent. On July 28, 2015, respondent was properly served with a true and correct copy of Statement of Issues No. 950-2014-000436, together with true and correct copies of all other statutorily required documents, at his address of record on file with the Board which was and is: 4880 Roundup Road, Norco, California, 92860. A true and correct copy of Statement of Issues No. 950-2014-000436 is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in Statement of Issues No. 950-2014-000436. Respondent has also carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act, the California Code of Civil Procedure, and other applicable laws, having been fully advised of same by his attorney of record, Scott J. Harris, Esq.

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8. Respondent, having the benefit of counsel, hereby voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Statement of Issues No. 950-2014-000436, if proven at a hearing, constitute cause for denying his application for a physician assistant license. For the purpose of resolving the Statement of Issues without the expense and uncertainty of further proceedings, respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Statement of Issues, and that respondent hereby gives up his right to contest those charges.

10. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Physician Assistant Board, all of the charges and allegations contained in Statement of Issues No. 950-2014-000436 shall be deemed true, correct and fully admitted by respondent for purposes of any such proceeding, or any other licensing proceeding involving respondent in the State of California.

11. Respondent agrees that his application for a physician assistant license is subject to denial and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be submitted to the Board for its consideration in the above-entitled matter and, further, that the Board shall have a reasonable period of time in which to consider and act on this Stipulated Settlement and Disciplinary Order after receiving it. By signing this stipulation, respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Board considers and acts upon it.

13. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and

1 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
2 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
3 the Attorney General's office. Communications pursuant to this paragraph shall not disqualify
4 the Board, any member thereof, and/or any other person from future participation in this or any
5 other matter affecting or involving respondent. In the event that the Board, in its discretion, does
6 not approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of
7 this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and
8 shall not be relied upon or introduced in any disciplinary action by either party hereto.
9 Respondent further agrees that should the Board reject this Stipulated Settlement and Disciplinary
10 Order for any reason, respondent will assert no claim that the Board, or any member thereof, was
11 prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and
12 Disciplinary Order or of any matter or matters related hereto.

13 **ADDITIONAL PROVISIONS**

14 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
15 be an integrated writing representing the complete, final and exclusive embodiment of the
16 agreements of the parties in the above-entitled matter.

17 15. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
18 including copies of the signatures of the parties, may be used in lieu of original documents and
19 signatures and, further, that such copies and signatures shall have the same force and effect as
20 originals.

21 16. In consideration of the foregoing admissions and stipulations, the parties agree the
22 Board may, without further notice to or opportunity to be heard by respondent, issue and enter the
23 following Disciplinary Order:

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1 3. **Alcohol – Abstain From Use**

2 Respondent shall abstain completely from the use of products or beverages containing
3 alcohol.

4 4. **Biological Fluid Testing**

5 Respondent shall immediately submit to biological fluid testing upon the request of the
6 Board or its designee. Respondent shall pay the cost of biological fluid testing.

7 5. **Diversion Program**

8 Within thirty (30) days of the effective date of this decision, respondent shall enroll and
9 participate in the Board's Diversion Program until the program determines that further treatment
10 and rehabilitation is no longer necessary. Respondent shall successfully complete the program.
11 The program determines whether or not respondent successfully completes the program.

12 Respondent shall pay all costs of the program.

13 If the program determines that respondent is a danger to the public, upon notification from
14 the program, respondent shall immediately cease practicing as a physician assistant until notified
15 in writing by the Board or its designee that respondent may resume practice. The period of time
16 that respondent is not practicing shall not be counted toward completion of the term of probation.

17 6. **Ethics Course**

18 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
19 Board or its designee for its prior approval a course in ethics. The course shall be limited to
20 classroom, conference, or seminar settings. Respondent shall successfully complete the course
21 within the first year of probation.

22 Respondent shall pay the cost of the course.

23 Respondent shall submit a certification of successful completion to the Board or its
24 designee within fifteen (15) days after completing the course.

25 7. **Psychological Evaluation/Treatment**

26 Within sixty (60) days of the effective date of this decision, and on a periodic basis
27 thereafter as may be required by the Board or its designee, respondent shall undergo a
28 psychological evaluation by a Board-appointed psychological evaluator who shall furnish a

1 psychological report and recommendations to the Board or its designee.

2 Following the evaluation, respondent shall comply with all restrictions or conditions
3 recommended by the evaluating physician within fifteen (15) calendar days after notification by
4 the Board or its designee.

5 Respondent may, based on the evaluator's report and recommendations, be required by the
6 Board or its designee to undergo psychological treatment. Upon notification, respondent shall
7 within thirty (30) days submit for prior approval the name and qualifications of a psychological
8 practitioner of respondent's choice. Upon approval of the treating psychological practitioner,
9 respondent shall undergo and continue psychological treatment until further notice from the
10 Board or its designee. Respondent shall have the treating psychological practitioner submit
11 quarterly status reports to the Board or its designee indicating whether the respondent is capable
12 of practicing medicine safely.

13 Respondent shall pay the cost of all psychological evaluations and treatment.

14 If the evaluator or treating practitioner determines that the respondent is a danger to the
15 public, upon notification, respondent shall immediately cease practicing as a physician assistant
16 until notified in writing by the Board or its designee that respondent may resume practice.

17 Respondent shall not practice as a physician assistant until a psychological evaluation has
18 been conducted and respondent is notified in writing by the Board or its designee that respondent
19 may resume practice. The period of time that respondent is not practicing shall not be counted
20 toward completion of the term of probation.

21 **8. Approval of Supervising Physician**

22 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
23 Board or its designee for its prior approval the name and license number of the supervising
24 physician and a practice plan detailing the nature and frequency of supervision to be provided.
25 Respondent shall not practice until the supervising physician and practice plan are approved by
26 the Board or its designee.

27 Respondent shall have the supervising physician submit quarterly reports to the Board or its
28 designee.

1 If the supervising physician resigns or is no longer available, respondent shall, within
2 fifteen (15) days, submit the name and license number of a new supervising physician for
3 approval.

4 **9. Notification of Employer and Supervising Physician**

5 Respondent shall notify his current and any subsequent employer and supervising
6 physician(s) of the discipline and provide a copy of the Statement of Issues, Decision, and Order,
7 to each employer and supervising physician(s) during his period of probation, at the onset of that
8 employment. Respondent shall ensure that each employer informs the Board or its designee, in
9 writing within thirty (30) days, verifying that the employer and supervising physician(s) have
10 received a copy of the Statement of Issues, Decision, and Order.

11 **10. Obey All Laws**

12 Respondent shall obey all federal, state, and local laws, and all rules governing the practice
13 of medicine as a physician assistant in California, and remain in full compliance with any court
14 ordered criminal probation, payments, and other orders.

15 **11. Quarterly Reports**

16 Respondent shall submit quarterly declarations under penalty of perjury on forms provided
17 by the Board or its designee, stating whether there has been compliance with all the conditions of
18 probation.

19 **12. Other Probation Requirements**

20 Respondent shall comply with the Board's probation unit. Respondent shall, at all times,
21 keep the Board and probation unit informed of respondent's business and residence addresses.
22 Changes of such addresses shall be immediately communicated in writing to the Board and
23 probation unit. Under no circumstances shall a post office box serve as an address of record,
24 except as allowed by California Code of Regulations 1399.523.

25 Respondent shall appear in person for an initial probation interview with committee or its
26 designee within ninety (90) days of the decision. Respondent shall attend the initial interview at a
27 time and place determined by the Board or its designee.

28 Respondent shall, at all times, maintain a current and renewed physician assistant license.

Respondent shall also immediately inform the probation unit, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

13. Interview With Medical Consultant

Respondent shall appear in person for interviews with the Board's medical or expert physician assistant consultant upon request at various intervals and with reasonable notice.

14. Tolling For Out-of-State Practice or Residence

The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere, including federal facilities, respondent is required to immediately notify the Board in writing of the date of departure and the date of return, if any.

Respondent's license shall be automatically canceled if respondent's period of temporary or permanent residence or practice outside California totals two (2) years. Respondent's license shall not be canceled as long as respondent is residing and practicing as a physician assistant in another state of the United States and is on active probation with the physician assistant licensing authority of that state, in which case the two (2) year period shall begin on the date probation is completed or terminated in that state.

15. Failure to Practice as a Physician Assistant – California Resident

In the event respondent resides in California and for any reason respondent stops practicing as a physician assistant in California, respondent shall notify the Board or its designee in writing within thirty (30) calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty (30) calendar days in which respondent is not practicing as a physician assistant.

All time spent in a clinical training program that has been approved by the Board or its designee, shall be considered time spent in the practice of medicine. For purposes of this

1 condition, non-practice due to a Board ordered suspension or in compliance with any other
2 condition or probation, shall not be considered a period of non-practice.

3 Respondent's license shall be automatically canceled if, for a total of two (2) years,
4 respondent resides in California and fails to practice as a physician assistant.

5 **16. Unannounced Clinical Site Visit**

6 The Board or its designee may make unannounced clinical site visits at any time to ensure
7 that respondent is complying with all terms and conditions of probation.

8 **17. Condition Fulfillment**

9 A course, evaluation, or treatment completed after the acts that gave rise to the charges in
10 Statement of Issues No. 950-2014-000436, but prior to the effective date of the Decision may, in
11 the sole discretion of the Board or its designee, be accepted towards the fulfillment of the
12 condition.

13 **18. Completion of Probation**

14 Respondent shall comply with all financial obligations (e.g., probation costs) no later than
15 sixty (60) calendar days prior to the completion of probation. Upon successful completion of
16 probation, respondent's license will be fully restored.

17 **19. Violation of Probation**

18 If respondent violates probation in any respect, the Board, after giving respondent notice
19 and the opportunity to be heard, may revoke probation and carry out the disciplinary order that
20 was stayed. If an accusation or petition to revoke probation is filed against respondent during
21 probation, the Board shall have continuing jurisdiction until the matter is final, and the period of
22 probation shall be extended until the matter is final.

23 **20. Probation Monitoring Costs**

24 Respondent shall pay the costs associated with probation monitoring each and every year of
25 probation, as designated by the Board, which may be adjusted on an annual basis. The costs shall
26 be made payable to the Physician Assistant Board and delivered to the Board no later than
27 January 31 of each calendar year.

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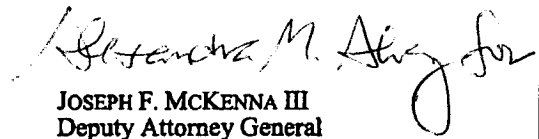
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
submitted for consideration by the Physician Assistant Board of California.

DATED: 11/20/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General



JOSEPH F. MCKENNA III
Deputy Attorney General
Attorneys for Complainant

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Doc.No.81197845

Exhibit A

Statement of Issues No. 950-2014-000436

1 KAMALA D. HARRIS
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 JOSEPH F. MCKENNA III
Deputy Attorney General
4 State Bar No. 231195
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2997
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
PHYSICIAN ASSISTANT BOARD
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues Against:

Case No. 950-2014-000436

14 **ANTHONY MARCUS CRAMER**
15 **4880 Roundup Road**
Norco, CA 92860

STATEMENT OF ISSUES

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES AND APPLICATION HISTORY**

- 20 1. Glenn L. Mitchell, Jr.. (Complainant) brings this Statement of Issues solely in his
21 official capacity as the Executive Officer of the Physician Assistant Board.
- 22 2. On or about August 29, 2014, the Physician Assistant Board received an application
23 for a physician assistant license from Anthony Marcus Cramer (respondent). On or about August
24 22, 2014, respondent certified under penalty of perjury to the truthfulness of all statements,
25 answers and representations in the application. The Board denied the application on November
26 19, 2014. On or about December 1, 2014, the Board received a letter from respondent requesting
27 a hearing pursuant to the denial of his application.

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FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 28 20 15
BY K. Voong ANALYST

JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 3500.5 of the Code states:

“This chapter shall be known and cited as the Physician Assistant Practice Act.”

5. Section 3501 of the Code states:

“(a) As used in this chapter:

“(1) ‘Board’ means the Physician Assistant Board.

“... ”

“(7) ‘Regulations’ means the rules and regulations as set forth in Chapter 13.8 (commencing with Section 1399.500) of Title 16 of the California Code of Regulations.

“... ”

6. Section 3504.1 of the Code states:

“Protection of the public shall be the highest priority for the Physician Assistant Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

7. Section 3510 of the Code states:

“The board may adopt, amend, and repeal regulations as may be necessary to enable it to carry into effect the provisions of this chapter; provided, however, that the Medical Board of California shall adopt, amend, and repeal such regulations as may be necessary to enable the board to implement the provisions of this chapter under its jurisdiction. All regulations shall be in accordance with, and not inconsistent with, the provisions of this chapter. Such regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 3.5

1 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the
2 Government Code.”

3 8. Section 3514.1 of the Code states:

4 “(a) The board shall formulate by regulation guidelines for the consideration
5 of applications for licensure as a physician assistant.

6 “...”

7 9. Section 3519 of the Code states:

8 “The board shall issue under the name of the Medical Board of California a
9 license to all physician assistant applicants who meet all of the following
10 requirements:

11 “...”

12 “(c) Not be subject to denial of licensure under Division 1.5 (commencing
13 with Section 475) or Section 3527.

14 “...”

15 10. Section 3527 of the Code states:

16 “(a) The board may order the denial of an application for, or the issuance
17 subject to terms and conditions of, or the suspension or revocation of, or the
18 imposition of probationary conditions upon a physician assistant license after a
19 hearing as required in Section 3528 for unprofessional conduct which includes, but
20 is not limited to, a violation of this chapter, a violation of the Medical Practice Act,
21 or a violation of the regulations adopted by the board or the Medical Board of
22 California.

23 “...”

24 11. Section 3528 of the Code states:

25 “Any proceedings involving the denial, suspension, or revocation of the
26 application for licensure or the license of a physician assistant ... shall be
27 conducted in accordance with Chapter 5 (commencing with Section 11500) of Part
28 1 of Division 3 of Title 2 of the Government Code.”

12. Section 3531 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense which is substantially related to the qualifications, functions, or duties of the business or profession to which the license was issued is deemed to be a conviction within the meaning of this chapter. The board may order the license suspended or revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.”

13. Section 481 of the Code states:

“Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.”

14. Section 2221 of the Code states

“(a) The board may deny a physician’s and surgeon’s certificate to an applicant guilty of unprofessional conduct or of any cause that would subject a licensee to revocation or suspension of his or her license ...”

15. Section 2234 of the Code states:

“The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

“(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

“... ”

1 “(c) The commission of any act involving dishonesty or corruption that is
2 substantially related to the qualifications, functions, or duties of a physician and
3 surgeon.

4 “(f) Any action or conduct that would have warranted the denial of a
5 certificate.

6 “...”

7 16. Section 2236 of the Code states:

8 “(a) The conviction of any offense substantially related to the qualifications,
9 functions, or duties of a physician and surgeon constitutes unprofessional conduct
10 within the meaning of this chapter. The record of conviction shall be conclusive
11 evidence only of the fact that the conviction occurred.

12 “...

13 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
14 is deemed to be a conviction within the meaning of this section and Section
15 2236.1. The record of conviction shall be conclusive evidence of the fact that the
16 conviction occurred.”

17 17. Section 2237 of the Code states:

18 “(a) The conviction of a charge of violating any federal statutes or regulations
19 or any statute or regulation of this state, regulating dangerous drugs or controlled
20 substances, constitutes unprofessional conduct. The record of the conviction is
21 conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or
22 a conviction following a plea of nolo contendere is deemed to be a conviction
23 within the meaning of this section.

24 “(b) Discipline may be ordered in accordance with Section 2227 or the
25 Division of Licensing may order the denial of the license when the time for appeal
26 has elapsed, or the judgment of conviction has been affirmed on appeal, or when
27 an order granting probation is made suspending the imposition of sentence,
28 irrespective of a subsequent order under the provisions of Section 1203.4 of the

1 Penal Code allowing such person to withdraw his or her plea of guilty and to enter
2 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
3 accusation, complaint, information, or indictment.”

4 18. Section 2238 of the Code states:

5 “A violation of any federal statute or federal regulation or any of the statutes
6 or regulations of this state regulating dangerous drugs or controlled substances
7 constitutes unprofessional conduct.”

8 19. Section 2239 of the Code states:

9 “(a) The use or prescribing for or administering to himself or herself, of any
10 controlled substance; or the use of any of the dangerous drugs specified in Section
11 4022, or of alcoholic beverages, to the extent, or in such a manner as to be
12 dangerous or injurious to the licensee, or to any other person or to the public, or to
13 the extent that such use impairs the ability of the licensee to practice medicine
14 safely or more than one misdemeanor or any felony involving the use,
15 consumption, or self-administration of any of the substances referred to in this
16 section, or any combination thereof, constitutes unprofessional conduct. The
17 record of the conviction is conclusive evidence of such unprofessional conduct.

18 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
19 contendere is deemed to be a conviction within the meaning of this section. The
20 Division of Medical Quality may order discipline of the licensee in accordance
21 with Section 2227 or the Division of Licensing may order the denial of the license
22 when the time for appeal has elapsed or the judgment of conviction has been
23 affirmed on appeal or when an order granting probation is made suspending
24 imposition of sentence, irrespective of a subsequent order under the provisions of
25 Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea
26 of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
27 dismissing the accusation, complaint, information, or indictment.”

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1 20. Section 1399.521, title 16, of the California Code of Regulations states:

2 “In addition to the grounds set forth in section 3527, subd. (a), of the code the
3 board may deny, issue subject to terms and conditions, suspend, revoke or place on
4 probation a physician assistant for the following causes:

5 “(a) Any violation of the State Medical Practice Act which would constitute
6 unprofessional conduct for a physician and surgeon.

7 “...”

8 21. Section 1399.525, title 16, of the California Code of Regulations states:

9 “For the purposes of the denial, suspension or revocation of a license pursuant
10 to division 1.5 (commencing with section 475) of the code, a crime or act shall be
11 considered to be substantially related to the qualifications, functions or duties of a
12 person holding a license under the Physician Assistant Practice Act if to a
13 substantial degree it evidences present or potential unfitness of a person holding
14 such a license to perform the functions authorized by the license in a manner
15 consistent with the public health, safety or welfare. Such crimes or acts shall
16 include, but are not limited to, the following:

17 “(a) Violating or attempting to violate, directly or indirectly, or assisting in or
18 abetting the violation of, or conspiring to violate any provision or term of the
19 Medical Practice Act.

20 “(b) Violating or attempting to violate, directly or indirectly, or assisting in or
21 abetting the violation of, or conspiring to violate any provision or term of the
22 Physician Assistant Practice Act.

23 “...”

24 “(c) Any crime or act involving the sale, gift, administration, or furnishing of
25 narcotics or dangerous drugs or dangerous devices, as defined in Section 4022 of
26 the code.

27 “...”

28 “(i) Conviction for driving under the influence of drugs or alcohol.”

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Offenses Substantially Related to the Qualifications,**
3 **Functions or Duties of a Physician Assistant)**

4 22. Respondent's application is subject to denial under code sections 481, 2221, 2234,
5 2236, 3510, 3514.1, 3519, 3527 and 3531, of the Code, as defined by section 1399.525,
6 subdivisions (a), (b), (e) and (i), title 16, of the California Code of Regulations, in that he has been
7 convicted of offenses substantially related to the qualifications, functions, or duties of a physician
8 assistant, as more particularly alleged hereinafter:

9 23. **2008 DRIVING UNDER THE INFLUENCE CONVICTION**

10 A. On or about December 20, 2007, at approximately 0141 hours, San
11 Bernadino Sheriff's Deputy S.G. observed respondent driving a vehicle on a
12 surface street, while swerving across the lane and making unsafe lane changes
13 without using turn signals, and causing other drivers on the road to slow down
14 their vehicles. Deputy S.G. initiated an enforcement stop of respondent's vehicle.
15 Upon contacting respondent in his vehicle, Deputy S.G. asked respondent for his
16 driver's license, registration and proof of insurance. While speaking with
17 respondent, Deputy S.G. observed numerous objective symptoms indicating
18 respondent was impaired including, slow and slurred speech, bloodshot and watery
19 eyes, confusion, belligerence, and the inability to respond to simple questions.
20 Respondent was then requested to perform field sobriety tests (FSTs). Based upon
21 the totality of circumstances including, respondent's driving pattern, objective
22 symptoms and performance on the FSTs, Deputy S.G. arrested respondent for
23 driving under the influence (DUI) of drugs and/or alcohol, in violation of Vehicle
24 Code section 23152, subdivision (a), a misdemeanor. A subsequent inventory
25 search of respondent's vehicle following his arrest led to the discovery of a glass
26 drug pipe and three (3) pink baggies, which contained a white crystal substance
27 that appeared to be methamphetamine. Deputy S.G. also booked respondent for

28 ///

1 violation of Health and Safety Code section 11378 [possession of a controlled
2 substance for sale], a felony.

3 B. On or about April 23, 2008, in the Superior Court of California, County
4 of San Bernadino, in the case of *The People of the State of California vs. Anthony*
5 *Marcus Cramer*, Superior Court case number FWV800338, respondent was
6 convicted of Vehicle Code section 23152, subdivision (a), a misdemeanor.
7 Respondent was sentenced to three (3) years of probation and standard terms and
8 conditions including, four (4) month first offender program, three (3) month
9 Narcotics Anonymous program and standard fines.

10 C. On or about December 24, 2014, respondent's conviction was dismissed
11 by the court pursuant to Penal Code section 1203.4.

12 24. 2008 UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE
13 CONVICTION

14 A. On or about January 19, 2008, at approximately 2310 hours, Corona
15 Police Department Officers were conducting a random probation compliance
16 check at a residence when they observed respondent and another adult male
17 standing next to a Lexus with no license plates, that was parked in a driveway with
18 its driver's side door open. A records check of the Lexus indicated that the vehicle
19 had previously been reported stolen to the Riverside Police Department. The car
20 keys recovered from the Lexus had a paper tag attached to the key chain with a
21 license plate number written on it. A subsequent records check indicated that the
22 license plate number on the paper tag belonged to a recently impounded vehicle
23 that was registered to the respondent. Respondent was then arrested for violation
24 of Penal Code section 496, subdivision (a) [possession of a stolen vehicle], a
25 felony. An inventory search of the Lexus following respondent's arrest led to the
26 discovery of methamphetamine on the front passenger seat. Following
27 respondent's arrest, Officer H.T. conducted a drug influence evaluation of
28 respondent and determined that he was under the influence of a drug. Respondent

1 was additionally charged with violation of Health and Safety Code section 11550,
2 subdivision (a) [under the influence of a controlled substance], a misdemeanor.

3 B. On or about June 20, 2008, in the Superior Court of California, County
4 of Riverside, in the case of *The People of the State of California vs. Anthony*
5 *Marcus Cramer*, Superior Court case number RIF141148, respondent was
6 convicted of Health and Safety Code section 11550, subdivision (a), a
7 misdemeanor. Respondent was sentenced to three (3) years of probation and
8 standard terms and conditions including, ninety (90) days custody in jail.

9 C. On or about March 9, 2015, respondent's conviction was dismissed by
10 the court pursuant to Penal Code section 1203.4.

11 25. 2008 "PETTY THEFT" CONVICTION

12 A. On or about July 8, 2008, at approximately 1348 hours, San Bernadino
13 County Sheriff's Deputy M.M. responded to a radio call reporting a theft of
14 merchandise at a Wal-Mart store. After arriving at the store, Deputy M.M.
15 interviewed the store's loss prevention officer [LPO G.J.] who described the events
16 that led to the detention of respondent at the store. LPO G.J. stated that she had
17 observed respondent enter the hardware department and grab a box cutter and a
18 packaged fan off of the shelf. LPO G.J. further stated that she observed respondent
19 use the box cutter to cut open the fan's packaging and conceal a mobile phone
20 charger inside of it. Respondent was then observed removing a mobile phone
21 holster from its packaging and placed the holster in his pocket. Respondent then
22 proceeded to the stationary section and opened a roll of tape and sealed the fan's
23 packaging closed. Respondent then proceeded through the store's checkout and
24 paid for the fan and other merchandise. Respondent then exited the store at which
25 point he was detained by the store's loss prevention officers for failure to pay for
26 the mobile phone charger and mobile phone holster. Respondent gave a statement
27 to Deputy M.M. admitting the theft of the merchandise, but he denied using a box
28 cutter to open the fan's packaging. Deputy M.M. then arrested respondent for

1 violation of Penal Code section 484, subdivision (a) / 490.5, subdivision (a) [petty
2 theft of retail merchandise], a misdemeanor.

3 B. On or about July 10, 2009, in the Superior Court of California, County
4 of San Bernadino, in the case of *The People of the State of California vs. Anthony*
5 *Marcus Cramer*, Superior Court case number MWV804559, respondent was
6 convicted of Penal Code section 484, subdivision (a), 490.5, subdivision (a), a
7 misdemeanor. Respondent was sentenced to three (3) years of probation and
8 standard terms and conditions including, thirty (30) days custody in jail.

9 C. On or about December 24, 2014, respondent's conviction was dismissed
10 by the court pursuant to Penal Code section 1203.4.

11 26. 2008 POSSESSION OF A CONTROLLED SUBSTANCE CONVICTION

12 A. On or about September 15, 2008, at approximately 1509 hours, San
13 Bernadino County Sheriff D.S. responded to a radio call reporting that a person
14 was presently attempting to cash a stolen check at a Wells Fargo bank. After
15 arriving at the bank, Deputy D.S. interviewed a bank teller [C.R.] regarding the
16 incident and she identified the respondent as the individual attempting to cash the
17 check. C.R. stated that respondent had come up to her window and asked her to
18 cash a check that had been signed over to him by a friend. The check was issued in
19 the name of [C.S.] and was made out for two hundred and fifty [\$250] dollars.
20 C.R. stated that respondent became very nervous when she told him that the bank
21 will not cash third party checks. Based upon his suspicious behavior, C.R. ran the
22 account number on the check and discovered that it had been flagged as a lost or
23 stolen check, and then called the police. Deputy D.S. then interviewed respondent
24 regarding the incident. Respondent maintained that the check had been signed
25 over to him by C.S. because she did not have a bank account and that she needed
26 the money. Deputy D.S. conducted a consent search of respondent's person and
27 discovered a baggie in his pants pocket containing a white crystal substance that
28 appeared to be methamphetamine. Deputy D.S. performed a field test of the white

1 crystal substance and it came back positive for methamphetamine. Deputy D.S.
2 then arrested respondent for violations of Penal Code section 475, subdivision (c)
3 [check forgery], Health and Safety Code section 11377, subdivision (a) [possession
4 of a controlled substance] a misdemeanor, and two (2) outstanding warrants.

5 B. On or about November 18, 2008, in the Superior Court of California,
6 County of San Bernadino, in the case of *The People of the State of California vs.*
7 *Anthony Marcus Cramer*, Superior Court case number FWV802737, respondent
8 was convicted of Health and Safety Code section 11377, subdivision (a), a
9 misdemeanor. Respondent was sentenced to three (3) years of probation and
10 standard terms and conditions including, mandatory drug testing and participation
11 in a counseling program as directed by his probation officer.

12 C. On or about December 24, 2014, respondent's conviction was dismissed
13 by the court pursuant to Penal Code section 1203.4.

14 27. 2009 2ND DEGREE BURGLARY CONVICTION

15 A. On or about November 26, 2008, at approximately 1743 hours, San
16 Bernadino County Sheriff's Deputy T.C. responded to a radio call reporting a foot
17 pursuit occurring at the Victoria Gardens Mall between a loss prevention officer
18 and a theft suspect from Macy's department store. Upon arrival to the mall area,
19 Deputy T.C. observed a male running through a mall parking lot who fit the
20 description of the suspect in the radio call. Deputy T.C. detained the suspect who
21 was in fact the respondent. Deputy T.C. then interviewed a Macy's loss prevention
22 officer [LPO M.T.] who described the events that led to respondent's flight from
23 the store. LPO M.T. stated that he had observed respondent inside Macy's pick up
24 a pair of sunglasses, immediately remove the sales tag from the sunglasses and
25 place the sales tag back on the counter. LPO M.T. further stated that respondent
26 placed the sunglasses on his head and then walked by the store's exit doors
27 "several times" [which in his opinion] was purposely done by respondent to
28 determine if the store alarms would be activated. Respondent then exited Macy's

1 without paying for the sunglasses. LPO M.T. followed respondent outside of the
2 store and identified himself to respondent as a Macy's loss prevention officer, at
3 which point respondent immediately ran away from the store. Deputy T.C.
4 arrested respondent for a felony violation of Penal Code section 459 [first degree
5 burglary].

6 B. On or about July 10, 2009, in the Superior Court of California, County
7 of San Bernadino, in the case of *The People of the State of California vs. Anthony*
8 *Marcus Cramer*, Superior Court case number FWV803125, respondent was
9 convicted of Penal Code section 459 / 460, subdivision (b) [second degree
10 burglary], a misdemeanor. Respondent was sentenced to three (3) years of
11 probation and standard terms and conditions including, two hundred and seventy
12 (270) days custody in jail and report to Glen Helen Rehabilitation Center.

13 C. On or about December 24, 2014, respondent's conviction was dismissed
14 by the court pursuant to Penal Code section 1203.4.

15 **SECOND CAUSE FOR DENIAL OF APPLICATION**

16 **(More Than One Misdemeanor Conviction Involving the Use, Consumption, or Self- 17 Administration of Controlled Substances)**

18 28. Respondent has further subjected his application to denial under sections 2221, 2234,
19 2236, 2237, 3510, 3514.1, 3527 and 2239, as defined by section 2239, subdivision (a), of the
20 Code, and California Code of Regulations, title 16, sections 1399.521 and 1399.525, in that he
21 has suffered more than one (1) misdemeanor conviction for the use of controlled substances, as
22 more particularly alleged in paragraphs 22, 23 and 24, above, which are hereby incorporated by
23 reference and realleged as if fully set forth herein.

24 **THIRD CAUSE FOR DENIAL OF APPLICATION**

25 **(Drug Related Conviction)**

26 29. Respondent has further subjected his application to denial under sections 2221, 2234,
27 2238, 2239, 3510, 3514.1, 3527 and 2237, as defined by section 2237, subdivision (a), of the
28 Code, and California Code of Regulations, title 16, sections 1399.521 and 1399.525, in that he

1 has been convicted of a charge of violating a statute or regulation of this state regulating
2 dangerous drugs or controlled substances as more particularly alleged in paragraphs 22, 23, 24
3 and 26, above, which are hereby incorporated by reference and realleged as if fully set forth
4 herein.

5 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

6 **(Administering a Controlled Substance to Oneself)**

7 30. Respondent has further subjected his application to denial under sections 2221, 2234,
8 3510, 3514.1, 3527 and 2239, as defined by section 2239, subdivision (a), of the Code, and
9 California Code of Regulations, title 16, sections 1399.521 and 1399.525, in that he has been
10 convicted of a charge involving the use, consumption or self-administration of controlled
11 substances, as more particularly alleged in paragraphs 22, 23 and 24, above, which are hereby
12 incorporated by reference and realleged as if fully set forth herein.

13 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

14 **(Unprofessional Conduct)**

15 31. Respondent has further subjected his application to denial under sections 481,
16 2221, 2234, 2236, 2237, 2238, 2239, 3510, 3514.1 and 3527, as defined by section 3527,
17 subdivision (a), of the Code, and California Code of Regulations, title 16, sections
18 1399.521 and 1399.525, in that he has engaged in conduct which breaches the rules or
19 ethical code of physician assistants, or conduct which is unbecoming to a member in good
20 standing of the physician assistant profession, as more particularly alleged hereinafter:

21 32. Paragraphs 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, above, are hereby
22 incorporated by reference as if fully set forth herein.

23 33. 2006 DRUG ARREST

24 A. On or about May 5, 2006, at approximately 1829 hours, Corona Police
25 Department officers were conducting a probation compliance check at a residence
26 located at 1317 Via Santiago which was known to police as a suspected drug
27 house, and that recent complaints had indicated that suspected narcotics
28 transactions were taking place at the residence. The officers arrived at the

1 residence, knocked on the front door and identified themselves as law enforcement
2 and stated their authority to enter the premises. The respondent was among the
3 individuals present in the residence at the time the officers conducted their search
4 of the property. Respondent identified himself as "a federal police officer with the
5 Air Marshals" and that he had stored his gun in a cabinet in the living room.
6 Officers located a loaded .357 caliber Sig Sauer handgun located in a cabinet next
7 to the stairs and it had a round in the chamber.¹ Respondent was then detained in
8 handcuffs. As part of their investigation, officers performed a field sobriety test on
9 respondent and it was determined that he was under the influence of a controlled
10 substance. A search of respondent's person led to the discovery of a glass pipe in
11 his sock and 1.9 grams of methamphetamine in his pocket. Respondent was then
12 arrested for violations of Health and Safety Code section 11364, subdivision (a)
13 [possession of drug paraphernalia]; Health and Safety Code section 11377,
14 subdivision (a) [possession of a controlled substance]; and Health and Safety Code
15 section 11550, subdivision (a) [under the influence of a controlled substance].

16 B. At the time of the filing of this Statement of Issues, no court records
17 have been located related to this particular arrest of respondent.

18 34. 2008 DRUG ARREST

19 A. On or about March 21, 2008, at approximately 1920 hours, Corona
20 Police Department officers were conducting a probation compliance check at a
21 residence located at 1317 Via Santiago. When officers arrived at the residence,
22 they knocked on the front door and identified themselves as law enforcement.
23 Upon their arrival, Officer H.T. recognized respondent from past contacts and
24 arrests, and knew that respondent had one (1) outstanding felony warrant for his
25 arrest at that time. Officer H.T. then observed an adult female hand respondent an
26 object which he then placed on a shelf while standing inside the garage.

27
28 ¹ A records check performed on the Sig Sauer handgun revealed that it was not registered.

1 Respondent then walked into the residence. Respondent, along with the other
2 occupants of the residence, was detained outside of the residence while officers
3 conducted a search of the property. The area where respondent had placed the
4 object was searched by Officer H.T. and he located two glass pipes which
5 contained a thick, white and cloudy substance. The substance was later
6 determined to be methamphetamine and weighed 0.20 grams. Officer H.T.
7 conducted a drug evaluation of respondent and determined that he was under the
8 influence of a controlled substance. Respondent was then arrested for his
9 outstanding warrant, and violations of Health and Safety Code section 11364,
10 subdivision (a) [possession of drug paraphernalia]; Health and Safety Code section
11 11377, subdivision (a) [possession of a controlled substance]; Health and Safety
12 Code section 11550, subdivision (a) [under the influence of a controlled
13 substance]; and Penal Code section 12022.1 [felony committed while released on
14 bail or recognizance].

15 B. At the time of the filing of this Statement of Issues, no court records
16 have been located related to this particular arrest of respondent.

17 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

18 **(Violation of Statutes Regulating Dangerous Drugs and Controlled Substances)**

19 35. Respondent has further subjected his application to denial under sections
20 2221, 2234, 2236, 2237, 2239, 3510, 3514.1, 3527 and 2238, as defined by section 2238,
21 of the Code, and California Code of Regulations, title 16, sections 1399.521 and
22 1399.525, in that respondent has violated state statutes regulating controlled substances
23 including, but not limited to, section 2239, subdivision (a), of the Code; Vehicle Code
24 section 23152, subdivision (e) [driving under the influence of any drug]; Health and Safety
25 Code section 11364, subdivision (a) [possession of drug paraphernalia]; Health and Safety
26 Code section 11377, subdivision (a) [possession of a controlled substance]; and Health
27 and Safety Code section 11550, subdivision (a) [under the influence of a controlled
28 substance]; as more particularly alleged in paragraphs 22, 23, 24, 26, 28, 29, 30, 33 and

34, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

SEVENTH CAUSE FOR DENIAL OF APPLICATION

(Dishonesty or Corruption)

36. Respondent has further subjected his application to denial under sections 481, 2221, 3510, 3514.1, 3527, 3531 and 2234, as defined by section 2234, subdivision (e), of the Code, and California Code of Regulations, title 16, sections 1399.521 and 1399.525, in that he has engaged in an act or acts of dishonesty or corruption substantially related to the qualifications, functions, or duties of a physician assistant, as more particularly alleged in paragraphs 22, 25 and 27, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

EIGHTH CAUSE FOR DENIAL OF APPLICATION

(Violation of a Provision or Provisions of the Physician Assistant Practice Act)

37. Respondent has further subjected his application to denial under 2221, 2234, 3510, 3514.1 and 3527, as defined by section 3527, subdivision (a), of the Code, and California Code of Regulations, title 16, sections 1399.521 and 1399.525, in that he violated a provision or provisions of the Physician Assistant Practice Act, as more particularly alleged in paragraphs 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

NINTH CAUSE FOR DENIAL OF APPLICATION

(Violation of a Provision or Provisions of the Medical Practice Act)

38. Respondent has further subjected his application to denial under sections 2227 and 2234, as defined by section 2234, subdivision (a), of the Code, in that he violated a provision or provisions of the Medical Practice Act, as more particularly alleged in paragraphs 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37, above, which are hereby incorporated by reference and realleged as if fully set forth herein.

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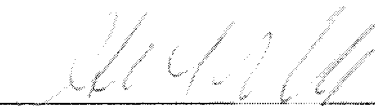
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Physician Assistant Board issue a decision:

1. Denying the application of respondent, Anthony Marcus Cramer, for a physician assistant license; and
2. Taking such other and further action as deemed necessary and proper.

DATED: July 28, 2015


GLENN L. MITCHELL, JR.
Executive Officer
Physician Assistant Board
State of California
Complainant